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## DECISION MEMO

### *Greenhorn Gulch Road Use Permit*

USDA Forest Service, Northern Region

Palouse Ranger District

Nez Perce – Clearwater National Forests

Latah County, Idaho

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### **I. Decision**

I have decided to authorize road access for the Potlatch Corporation on National Forest System (hereinafter referred to as "NFS") Road 4752 past the cost share portion from Mile Post 2.36 to Mile Post 3.36, a distance of one mile, and a segment of road 4752-B for 0.09 miles, to access newly acquired land in Section 10. The legal coordinates for this access are as follows: T42N, R2W, Sections 10 and 15 (Boise Meridian).

### **Background**

The Forest Service and Potlatch Corporation have a cost share agreement for NFS Road 4752 from Junction Road 447 to Mile Post 2.36. The road is currently closed to full size vehicles but is open seasonally to ATV's. The closure is designated as S/W (soil and water). NFS Road 4752 is a NFS Road/Trail 8245. Trail 333 (single track motorized) crosses NFS Road 4752 and Road 4752-B. The road is a maintenance level 2, aggregate surfaced road. The road will need standard maintenance in the form of light brushing and grading to allow for timber haul.

### **Design Specifications/Equipment:**

The work will be done under a road use permit between the Forest Service and Potlatch. Potlatch would be responsible for all road maintenance to open and close the road for hauling purposes. Drainage features will be maintained and rolling dips built, as necessary, to provide positive drainage.

Equipment used for these purposes will be road maintenance equipment; e.g., graders, mechanical brushers, etc. The only road grading performed will be that which allows for safe log haul on NFS lands. Approximately 1.5 MMBF will be harvested from this area.

The road will be used by Potlatch Corporation for vegetation management purposes, and will be adequately signed to keep it closed to other full-sized vehicles not associated with Potlatch operations. ATV and recreation access will also be prohibited as other trail routes are available near the project area. Potlatch will submit a sign plan approved by the Forest Service as a condition of the road use permit. No operations will occur on weekends when high Recreation use is expected. Forest Service System trails will be protected during use by Potlatch Corporation.

**Project Implementation:** The work will begin in July 2015, and will continue during the 2015 and 2016 field seasons. No winter operations will occur in this area.

## **II. Rationale for Decision and Reasons for Categorically Excluding the Decision**

### **A. Category of Exclusion and Rationale for Using the Category**

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(3): *Approval of minor special uses*.

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, 4) the project's consistency with laws and regulations, including the Forest Plan, 5) the on-the-ground review and discussion with district resource specialists, and 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

### **B. Finding No Extraordinary Circumstances**

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states "The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist."

#### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species:**

The Interdisciplinary Team (ID Team) Botanist, and Wildlife and Fisheries Biologists determined the proposed action will have no direct or indirect effect or impact on listed or sensitive plant, wildlife or fish species or habitat, and suitable habitat will not be altered because habitat is not present in the project area, habitat is present but the species do not occur in the project area or habitat is present and the species may occur but the project will not affect the habitat for the species; therefore, no incremental effects exist that will cause a cumulative effect, as documented in the Biological Assessments and Evaluations, and specialists' reports (see plant, wildlife, and fish sections of the project record).

#### **2. Floodplains, wetlands or municipal watersheds:**

*Floodplains: The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.*

Wetlands: *The Project does not propose to modify or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.*

Municipal Watersheds: *The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.*

**3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:**

The project area is not located within congressionally designated wilderness areas, wilderness study areas or Wild and Scenic River corridors; therefore, no extraordinary circumstances were identified.

**4. Inventoried Roadless areas or potential wilderness areas:**

The project is not located within any Clearwater Forest Plan Roadless areas or Idaho Roadless areas (36 CFR 294(c)) or potential wilderness areas; therefore, no extraordinary circumstances were identified.

**5. Research Natural Areas:**

The project area does not include land designated as a Research Natural Area; therefore, no extraordinary circumstances were identified.

**6. American Indians and Alaska native religious or cultural sites and**

**7. Archaeological sites or historical properties or areas:**

Based on the project description, a "No Inventory Decision" has been made for this project. A cultural resource records search has been conducted for this project and no cultural resource sites have been identified within the project's area of potential effects.

Pursuant to Stipulation V(A) of the North Idaho Programmatic Agreement, because of previous adequate inventory or the type, location or nature of the undertaking, the Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect historic properties. As a result, a "No Inventory Decision" has been made and the project may proceed.

Additionally, the Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project and determined it will not affect Nez Perce Tribe Treaty rights or Nez Perce tribal members' abilities to exercise those rights.

**8. Soils:**

The Forest Soil Scientist has determined: *There is no vegetation removal with this project. The project does not occur on glacial tills. This project does not affect landslide prone or wetlands. Soil quality standards apply to lands where vegetation and water resource management are the principal objectives. The standards do not apply to intensively developed sites such as road systems, mines, quarries, etc. Disturbance will occur, but must be confined to the work area. Standards and guidelines apply to the off-site impacts and will be met with Soil and Water BMPs.*

**III. Interested and Affected Agencies, Organizations, and Persons Contacted**

On May 1, 2014, the Nez Perce – Clearwater National Forest mailed letters providing

information and seeking public comment to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribal councils. The letters, as well as any applicable responses, are contained within the project record.

#### IV. Findings Required by Other Laws

Based on my review of the action associated with this project, I find that it is consistent with applicable Federal laws and regulations.

**National Forest Management Act and Clearwater National Forest Plan:** This action is consistent with the Clearwater National Forest Plan (USDA Forest Service 1987b), as amended, as required by the National Forest Management Act of 1976 because it follows the standards and guidelines contained in those plans. In addition, the decision considers the best available science [36 CFR 219.35(a) (Reinstatement of the 2000 Planning Rule; 74 FR 242)].

**PACFISH Riparian Habitat Conservation Areas (RHCAs):** All activities associated with the proposed action comply with direction regarding PACFISH because no effects to wildlife or fish species or habitat are anticipated, and minimal soil disturbance will occur.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialists' reports, and determined the project is consistent with the Endangered Species Act because no effects to threatened and endangered species are anticipated.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) because no effects to air quality are anticipated and no prescribed burning is planned.

**Clean Water Act and State Water Quality Laws:** The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, and state and Federal water quality laws because it will have no significant effect to the water quality of area or downstream waters.

**National Historic Preservation Act:** Because of the type of project and its location, the Forest Cultural Resource Specialist has determined that it has little likelihood to adversely affect cultural properties; therefore, the project meets the Agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**Migratory Bird Treaty Act:** No substantial losses of migratory bird habitat are expected from the implementation of this proposal nor any measurable impact on Neotropical migratory bird populations as a whole; therefore, the proposed action complies with the Migratory Bird Treaty Act.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, the project complies with Executive Order 13186 because the analysis meets Agency obligations as defined under the January 16, 2001 Memorandum of

Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**American Indian Treaty Rights:** The Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project, and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

**Environmental Justice:** The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Prime Farm Land, Range Land, and Forest Land:** The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

**Energy Requirements:** No unusual energy demands are required to implement the proposed action.

**Other Laws or Requirements:** The proposed action is consistent with all other Federal, state or local laws or requirements for the protection of the environment and cultural resources.

#### V. Administrative Review and Appeal Opportunities, and Implementation Date

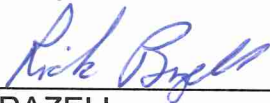
Pursuant to 36 CFR 214.4(c), this decision is subject to appeal by the holder, operator or applicant directly affected by the decision. The project may be implemented during the timeframe specified above.

#### VI. Contact Person

Questions regarding this decision should be sent to Linda S. Helm, Small NEPA Team Coordinator, c/o Nez Perce Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536 or by telephone to (208) 935-4285 or facsimile transmittal at (208) 983-4275 during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

#### VII. Signature of Deciding Officer

Approved by:



RICK BRAZELL  
Forest Supervisor  
Nez Perce – Clearwater National Forests

9-03-14

Date

Enclosures: Map of Access Site

cc: David Ratliff

## Map of Access Site

